Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, October 28, 2013.

MEMBERS PRESENT: R. J. Neary, Chair
Anna Nubel, Vice Chair
Thomas O. Kelley
John Hoich
Van C. Deeb
Arnold Nesbitt
Greg Rosenbaum

MEMBERS NOT PRESENT: None

STAFF PRESENT: James Thele, Acting Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Chad Weaver, Manager, Long Range Planning
Alan Thelen, Law Department
Rikki Flott, Recording Secretary

R. J. Neary, Chair, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

(HOLD OVER CASES)

Special Use Permits

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<tr>
<th>3.</th>
<th>C8-13-165 (D) Tawanna Washington</th>
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<tr>
<td>LOCATION:</td>
<td>3101 and 3113 North 30th Street</td>
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<tr>
<td>REQUEST:</td>
<td>Approval of a Special Use Permit to allow Automotive sales in a GC District (laid over from 10/2/13 and 9/4/13)</td>
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At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of a Special Use Permit in a GC District, subject to the following conditions: 1) Removal of all existing barbed wire located on site prior to forwarding the request to the City Council, 2) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department for the new Automotive sales use, 3) Compliance with the revised site and landscape plan, and 4) Compliance with all other applicable regulations. Ms. Nubel seconded the motion which carried 7-0.
Conditional Use Permits

4. C7-13-203 (D)
   C10-98-129
   SBA Communications

REQUEST: Approval of a Conditional Use Permit to allow a Broadcast tower in a GI District with a waiver of Section 55-506 Height to 124 feet and approval of a Major Amendment to a MD Overlay District Development Agreement (property is also located within an MD Overlay District) (laid over from 10/2/13)

LOCATION: 5933 South 118th Circle

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the Conditional Use Permit to allow a Broadcast tower in a GI District with a waiver of Section 55-506 Height to 104 feet subject to: 1) Compliance with an amended site plan that includes no barbed wire on top of the fencing, 2) Compliance with an amended landscaping plan that extends the landscaping along the south side of the lease area, 3) Compliance with an amended elevation that includes a tower no taller than 104 feet, 4) Obtaining FAA approval prior to application for a building permit, 5) Compliance with all other applicable rules and regulations, 6) Providing a governmental access statement, 7) Submittal of an annual report that describes the location and operating characteristics of all broadcast towers within the City and its extraterritorial jurisdiction and for approval of the Major Amendment to the MD-Major Development Overlay District. Ms. Nubel seconded the motion which carried 7-0.

(REGULAR AGENDA)

Subdivisions

9. C12-13-214 (D)
   James and Shirley Ortman

REQUEST: Preliminary and Final Plat approval of ORTMAN'S SECOND, a minor plat outside the city limits, with a waiver of Section 53-9(9) for Sidewalks

LOCATION: 3204 Ponca Road

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval the waiver of Section 53-9(9), sidewalks and for approval of the preliminary plat subject to: 1) A note being placed on the final plat that Lot 1 will be required to comply with all provisions of the ED-North Hills Environmental Resources Overlay District, 2) Showing the location of the existing and potential backup lateral fields on the final plat mylars, and 3) Providing a letter of approval from the Douglas County Health Department and the Nebraska Department of Environmental Quality (NDEQ) for the existing and/or future septic systems. He also moved for approval of the final plat as amended by the conditions of preliminary plat approval and subject to the submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding this request to the City Council. Ms. Nubel seconded the motion which carried 7-0.

Rezonings

10. C10-89-168 (D)
    Validus Group, LLC

REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Oak View

LOCATION: 3405 Oak View Drive

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the Major Amendment to the Oak View Mixed Use District Development Agreement for Lot 20, Oak View, to allow Indoor sports and recreation subject to submittal of an acceptable mixed use development agreement
prior to forwarding the request to the City Council for final action that includes: 1) An updated and notarized signature page, and 2) A landscape exhibit or language stating that the parking lot islands will be landscaped. Ms. Nubel seconded the motion which carried 7-0.

| 11.  | C10-13-224 (D)     | REQUEST:  | Approval of a rezoning from R4(35) to R5 |
|      | Suzanna Fields     | LOCATION: | 5612 and 5614 Charles Street            |

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the rezoning from R4(35) to R5. Ms. Nubel seconded the motion which carried 7-0.

Special Use Permits

| 13.  | C8-13-216 (D)     | REQUEST:  | Approval of a Major Amendment to a Special Use Permit (assumed) to allow a Recreational club in a R4 District with a waiver of Section 55-186 Height to 40 feet |
|      | Girls, Inc.       | LOCATION: | 2811 North 45th Street                 |

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the Major Amendment to the Special Use Permit to allow a Recreational club in a R4 District with a waiver of Section 55-186 Height to 40 feet subject to: 1) Subject to providing the necessary right-of-way dedications, 2) Construction of nodes into 45th Street at Corby and Maple Streets in compliance with applicable design standards, 3) Approval of the required Zoning Board of Appeals waivers, 4) All public improvements being constructed to City standards, 5) Compliance with a site plan as amended by conditions 1, 2, 3 and 4, 6) Submittal of an acceptable compliant landscape plan, 7) Compliance with the operating statement, and 8) Compliance with all other applicable rules and regulations. Ms. Nubel seconded the motion which carried 7-0.

Conditional Use Permits

| 14.  | C7-13-221 (D)     | REQUEST:  | Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District |
|      | Tidblom Enterprises, LLC | LOCATION: | 11005 West Maple Road                 |

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the operating statement, and 3) Compliance with all applicable regulations. Ms. Nubel seconded the motion which carried 7-0.

| 15.  | C7-13-222 (D)     | REQUEST:  | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4(35) District |
|      | Karen Street Baptist Church | LOCATION: | 6109 Karen Street                     |

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the Major Amendment to a Conditional Use Permit to allow Religious Assembly in a R4(35) district subject to the applicant: 1) Obtaining the necessary waivers from the Zoning Board of Appeals for deficiencies in the impervious surface, front yard setback for the addition, perimeter landscaping around parking areas and parking in the front yard setback for nonresidential use in a residential district, 2) Submittal of an acceptable building elevation plan for the proposed building addition, 3) Submittal of an operating statement including the use of the proposed building addition, 4) Submittal of a landscape plan in conformance with Section 55-740 and 55-715, 5) Compliance with the submitted site plan, 6) Compliance
with all applicable ordinances and regulations, and 7) The applicant obtaining all necessary permits. Ms. Nubel seconded the motion which carried 7-0.

**Vacations**

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<td>16.</td>
<td>C14-13-219 (D) Property Owner</td>
<td>REQUEST: Vacation of the east/west alley between William Street and Woolworth Avenue from 66th Street to the east of the west right-of-way line of the north/south alley</td>
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At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the vacation subject to any necessary easements being retained. Ms. Nubel seconded the motion which carried 7-0.

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<td>17.</td>
<td>C14-13-220 (D) Property Owner</td>
<td>REQUEST: Vacation of a segment of the east/west alley north of &quot;N&quot; Street and east of 131st Street</td>
</tr>
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</table>

At the Planning Board meeting held on November 6, 2013, Mr. Kelley moved for approval of the vacation subject to any necessary easements being retained. Ms. Nubel seconded the motion which carried 7-0.

**ADMINISTRATIVE MEETING ONLY**

**Subdivisions**

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<tr>
<td>1.</td>
<td>C10-13-072 C12-13-073 Clarendon Properties, Inc.</td>
<td>REQUEST: Final Plat approval of WATERFORD VILLAGE, a subdivision outside the city limits, with rezoning from AG to DR and MU, and approval of a Mixed Use Development District Development Agreement</td>
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LOCATION: Northwest of 144th and Ida Streets

At the Planning Board meeting held on November 6, 2013, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the requests subject to the conditions stated on the recommendation report.

Mr. Kelley moved for approval of the rezoning from AG to DR and MU, subject to the following conditions and submittal of an updated Mixed Use Development Agreement prior to forwarding to City Council: 1) Submittal of an acceptable Mixed Use District Development Agreement with the elimination of pole sign language in the Signage section and in the Sign Table chart along with an updated sign table indicating a maximum 12’ height for monument signs and updated lot exhibits, 2) The Mixed Use Development Agreement must contain language stating that Urban Design Article XXII applies to this agreement, and 3) The applicant must show that the proposed trail does not terminate into a dead end on the west side of the site, and for approval of the Final Plat subject to the following conditions and submittal of an acceptable final subdivision agreement prior to forwarding the plat to the City Council: 1) 145th Street sidewalks and parking must be in the ROW, 2) Providing for sidewalks along all right-of-way frontages, 3) Providing for improvement of the existing 2-lane section of Ida Street (from west of 146th Avenue to the subdivision frontage) to a 3-lane section, 4) Ida Street improvements shall account for the proximity of the existing trail on the south side of Ida St. which crosses the box culvert west of 146th Avenue. Coordinate with Douglas County on the improvements necessary (curb and gutter, etc.), 5) Providing for use, ownership, and maintenance of the outlot in the subdivision agreement, and 6) Coordinating the proposed site grades along the southern and eastern boundaries of the platting, adjacent to Ida and 144th Streets with the future improvement of these roadways. Mr. Hoich seconded the motion which carried 7-0.
PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

| 2.  | C10-13-188  
|     | C12-13-189  
|     | Bill and Jean Pullen | REQUEST: Preliminary and Final Plat approval of PULLEN PLACE, a subdivision inside the city limits, with a waiver of Section 53-9(9) for sidewalks, and rezoning from R1 to R2 (lain over from 10/2/13 and 9/4/13) | LOCATION: 2102 South 105th Street |

At the Planning Board meeting held on November 6, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that the applicant had met with neighbors since the last Planning Board meeting.

Steve Huber, 2332 Bob Boozer Drive, appeared before the Board on behalf of the applicant. Mr. Huber stated that he spoke with neighbors to discuss concerns and the components of the request. He explained the zoning was to assist in the preservation of the large existing trees and to allow for flexibility when building homes on the lots. In response to Mr. Rosenbaum, Mr. Huber stated that there were no existing contracts for the purchase of the lots and that he had discussed with neighbors the size of the homes that would be proposed for the lots.

Bob Cochran, 2110 South 105th Street, and Brian Wood, 10555 Mullen Road, appeared before the Board in opposition. Mr. Cochran stated that he had met with Mr. Huber to discuss the property and added that he, along with other neighbors, were in favor of developing residential homes on the lots. He mentioned that neighbors signed a letter discussing the need for the applicant to meet with neighbors as a group rather than individually to further discuss concerns regarding R2 zoning. Mr. Wood stated that his residence was adjacent to the site and that because he was out of town during the last Planning Board meeting he had not met with representatives of the applicant. Mr. Rosenbaum discussed that the size of the divided lots on this site would be larger than the surrounding existing lots.

Mr. Kellner commented that the R2 zoning setback regulations were more accommodating for these lots than the R1 zoning regulations. He explained that the lots were approximately 125 feet wide to accommodate a larger home but because of the large existing trees the setbacks of the R1 zoning were an issue. Mr. Cochran stated his concern was that the land would be divided into 1 ideal lot and 2 less desirable lots. He also mentioned that a driveway off of 105th Street would cause safety concerns; which had not been addressed.

Dave Fanslau, Acting Assistant Planning Director stated that this request conformed to the subdivision agreement, zoning code and City Master Plan and that the divided lots zoned R2 would be larger than the R1 zoning regulations. In response to Ms. Nubel, he then explained that if the 2 lots were to remain zoned R1, the subdivision code gives the Planning Director authority to approve an administrative subdivision into 4 lots if necessary. He then stated that the Department recommended denial of the sidewalk waiver and approval of the Preliminary and Final Plat subject to conditions stated on the recommendation report.

Mr. Rosenbaum moved for approval of the rezoning from R1 to R2 and approval of the Preliminary Plat, subject to the applicant waiving the right to protest a future sidewalk improvement district and for approval of the Final Plat, subject to the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the plat to the City Council. Mr. Rosenbaum also moved for denial of the waiver of Section 53-9(9) for Sidewalks. Mr. Deeb seconded the motion which carried 5-2.
(REGULAR AGENDA)

Master Plan Referral

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<td>5.</td>
<td>C3-13-217 Planning Department on behalf of the City of Omaha</td>
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At the Planning Board meeting held on November 6, 2013, Bridget Hadley, City Planner, displayed photos of the site and stated that this request was for a mixed-use project at the former Butter Nut building which was destructed by fire in 2004. She also stated that the project would consist of 123 market rate apartments, approximately 190 parking spaces after rehabilitation of the existing open air parking structure and warehouse, and additional parking with improvements in the public right-away along Jones Street and 9th Street. Ms. Hadley added that approximately 3 jobs would be created and that the ground level would accommodate office or retail space, with potential for the creation of additional jobs.

In response to Ms. Nubel, Ms. Hadley stated that the building would be 4 stories in height and would rise slightly above the 10th Street bridge with some views blocked on the lower levels. Mr. Kelley questioned the saturation rate for the Omaha apartment market, Ms. Hadley assured the Board this quota had not been met with regard to the 2030 Master Plan.

Mr. Kelley moved for approval. Mr. Deeb seconded the motion which carried 6-0, with Mr. Neary abstaining.

Subdivisions

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<td>6.</td>
<td>C12-13-209 AOBJ, LLC</td>
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At the Planning Board meeting held on November 6, 2013, Scott Loos, Lampy Rynearson Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant to answer questions regarding the request.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the waiver for sidewalks and approval of the Preliminary Plat, and to layover the Final Plat.

Mr. Deeb moved for approval of the waiver of Section 53-9(9), sidewalks and approval of the preliminary plat subject to: 1) Placing a note on the final plat mylars stating that there shall be no direct vehicular access to State Street from Lots 1 or 3, 2) Showing the location of the existing and potential backup lateral fields on the final plat mylars, 3) Placing the building envelopes and driveway areas on the final plat, 4) Submittal of an acceptable tree canopy loss analysis, and mitigation plan, if required, 5) Compliance with all applicable stormwater management regulations, 6) Providing a letter of approval from the Douglas County Health Department and the Nebraska Department of Environmental Quality (NDEQ) for the existing and/or future septic systems. Mr. Deeb then moved to layover the final plat in order for the applicant to address the conditions of the preliminary plat approval. Mr. Nesbitt seconded the motion which carried 7-0.
7. C10-13-210  
   C12-13-211  
   Rod and Kelly Jeck  

**REQUEST:**  
Preliminary and Final Plat approval of SKYLINE OAKS III, a minor plat inside the city limits, with a waiver of Section 53-9(9) for Sidewalks, and rezoning from R1 to R1 and R2  

**LOCATION:**  
Northwest of Hillandale Road and Skyline Drive  

At the Planning Board meeting held on November 6, 2013, Todd Whitfield, Lamp Rynearson & Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Whitfield stated that they were requesting to remove one condition from the recommendation report. He stated that because of the steep grade of the land that removing the tennis court would cause erosion problems and that they wanted to wait until after the land is platted and the home is ready to be built.

Mark Tritsch, 600 Skyline Drive, appeared before the board in opposition. Mr. Tritsch stated that his property was northeast of this lot and that he was not opposed to the request but wanted more information. He also stated his concern was the size of the proposed home to be built and the effect on surrounding property values. He mentioned that another concern was the safety of the deteriorating tennis court on the property.

Mr. Whitfield stated that when the applicant purchased the lot the plat displayed an overlap of this property and the neighboring property to the north, so both lots had to be included in the request to correct the deeds. In response to Mr. Rosenbaum, he then discussed that to avoid erosion problems the tennis court should remain on the land until the new home is built. He added that the applicant needed approval of the Final Plat to obtain permits to build the home.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the requests subject to conditions stated on the recommendation report. In response to Mr. Rosenbaum, he also stated that the Board would not be opposed to the applicant waiting to remove the tennis court until the home construction began.

Mr. Rosenbaum moved for approval of the rezoning from R1 to R1 and R2 and approval of the waiver of Section 53-9(9) Sidewalks, subject to the applicant waiving the right to protest any future sidewalk improvement district. He also moved for approval of the preliminary plat, subject to: 1) Working with the Public Works Department to include provisions in the subdivision agreement regarding the existing encroachments in the street right-of-way, 2) Provide a dedication of right-of-way for the existing Skyline Drive street improvements currently located within Lot 2, 3) The applicant providing a note on the plat that states that if 25% or more of existing tree canopy (mature woodlands) on proposed Lot 2 is to be removed to allow for construction of a new single family home 2:1 mitigation on site will be provided, and 4) Compliance with all applicable stormwater management ordinances and policies, and approval of the final plat, subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement. Mr. Nesbitt seconded the motion which carried 7-0.

8. C10-13-212  
   C12-13-213  
   Cinder Block Enterprises, Inc.  

**REQUEST:**  
Preliminary and Final Plat of LATOUR, a minor plat inside the city limits, with rezoning from DS to CBD (property is also located within an ACl-1(PL) Overlay District)  

**LOCATION:**  
1915 Jackson Street  

At the Planning Board meeting held on November 6, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that the applicant was requesting a layover to discuss the closure of 19th Street.

Mark Smellser, 1961 St. Mary’s Avenue, appeared before the Board in opposition. Mr. Smellser stated that his residence was next to the property and was not aware of the closure of the 19th Street access.
He displayed a photo of 19th Street and explained this was a busy street with free parking. He stated that his concern was that the proposed use would bring an increased need for parking and also increased noise and litter in this area which is adjacent to many residences.

Dave Fanslau, Acting Assistant Planning Director, stated that the zoning classification was presently prevalent in the area. He then stated that the Department recommended approval of the requests subject to conditions stated on the recommendation report.

Mr. Nesbitt moved to layover at the request of the applicant to allow further discussion with the Public Works Department on closing the northern driveway access onto 19th Street. Mr. Deeb seconded the motion which carried 7-0.

Special Use Permits

| 12. | C8-13-215 NBG Enterprises | REQUEST: Approval of a Special Use Permit to allow Scrap and salvage services in a GI District | LOCATION: 1520 Read Street |

At the Planning Board meeting held on November 6, 2013, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant.

Mr. Lace Fugleberg, 5312 Deer Ridge Dr, Eagle, Nebraska, appeared before the Board in opposition. Mr. Fugleberg stated that he is the CFO of ABS Corporation, a food processing facility, which is located directly south of the site. He stated that his business is regulated by federal agencies and was concerned that rodents would harbor in the scrap site and filter into their business.

Mr. Jobeun explained that this location would be a transfer station for a construction and demolition operation with no solid waste materials being processed, only general construction materials. Mr. Fugleberg responded that his business also opposed another scrap site nearby that was recently approved. He further explained that the nearby scrap site did not have a building to store their material as required and was concerned this site would have a similar scenario. Mr. Joebeun responded that an 8,000 square foot building would be constructed to warehouse vehicles and that the remainder would be outdoor storage. He added that an 8 foot fence would also be required to surround the property.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the request subject to the conditions stated on the recommendation report.

Mr. Deeb moved for approval of a Special Use Permit to allow Scrap and salvage services in a GI District subject to: 1) Submittal of a revised site plan that adequately addresses the number of required off-street parking stalls and clearly delineates areas to be paved for drive aisles prior to forwarding the request to the City Council, 2) Compliance with the revised site plan, 3) Compliance with the submitted operating statement, 4) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department, 5) Compliance with Sections 30-81 through 30-110 of the Omaha Municipal Code, and 6) Compliance with all other applicable regulations. Mr. Hoich seconded the motion which carried 6-0, with Mr. Neary abstaining.

APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of September 4, 2013 as written. Mr. Hoich seconded the motion which carried 6-0, with Mr. Deeb absent.
ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 2:40 pm.

_________________________________________
Date Approved

_________________________________________
Raymond J. Neary, Chair

_________________________________________
Rikki Flott, Planning Board
Recording Secretary